



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

October 30, 2012

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

45      October 30, 2012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**ADOPT, ADVERTISE, AND AWARD  
MEDIAN LANDSCAPE IMPROVEMENTS  
VERMONT AVENUE – FROM 88TH STREET TO 92ND STREET  
IN THE UNINCORPORATED COMMUNITY OF ATHENS  
(SUPERVISORIAL DISTRICT 2)  
(3 VOTES)**

### SUBJECT

This action is to approve the project to construct median landscape improvements on Vermont Avenue – from 88th Street to 92nd Street, in the unincorporated community of Athens; adopt the plans and specifications; call for bids; find the project has designated products by specific brand name; authorize the Director of Public Works or her designee to award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid; deliver the project; delegate certain responsibilities to the Director of Public Works or her designee to carry out this project; and designate the Department of Parks and Recreation as the agency responsible for the maintenance of recreational improvements and amenities and for financing the related costs upon project completion.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE  
COUNTY OF LOS ANGELES AS A JOINT RECOMMENDATION WITH THE DEPARTMENT OF  
PARKS AND RECREATION:**

1. Approve the project and adopt the plans and specifications that are on file in the Construction Division of the Department of Public Works for median landscape improvements, in the unincorporated community of Athens, at an estimated construction contract cost between \$700,000 and \$975,000.

2. Instruct the Executive Officer of the Board of Supervisors to advertise for bids to be received and opened on November 29, 2012, in accordance with the Instruction Sheet for Publishing Legal Advertisement.
3. Find that this project has designated benches, tables, trash receptacles, and exercise equipment by specific brand name in order to match existing benches, tables, trash receptacles, and exercise equipment currently being used within the jurisdiction of the Department of Parks and Recreation's South Agency.
4. Authorize the Director of Public Works or her designee to award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid within the estimated cost range, approve the Faithful Performance and Labor and Material Bonds and insurance submitted by the contractor, and deliver the project.
5. Delegate to the Director of Public Works or her designee the following authority in connection with this contract: (1) approve and execute change orders within the same monetary limits delegated to the Director of Public Works under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in Public Contract Code Sections 4100 et seq. and 5100 et seq., respectively; (3) accept the project upon its final completion; (4) release retention money withheld consistent with the requirements of Public Contract Code Sections 7107 and 9203; and (5) extend the date and time for the receipt of bids consistent with the requirements of Public Contract Code Section 4104.5.
6. Find that the decomposed granite exercise path, pedestrian lighting system, benches, tables, trash receptacles, exercise equipment, and bicycle rack proposed to be constructed within the Vermont Avenue median between 88th Street and 92nd Street as part of this project are recreational improvements and amenities to be maintained by the Department of Parks and Recreation, and all costs associated with such maintenance shall be borne by the Department of Parks and Recreation upon project completion.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to obtain approval of the project from the Board; adopt the plans and specifications; advertise for bids; find the project has designated products by specific brand name; authorize the Director of Public Works (Director) or her designee to award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid for the construction of median landscape and improvements; and designate the Department of Parks and Recreation (Parks and Recreation) as the agency responsible for the maintenance of recreational improvements and amenities and the financing the related costs upon project completion.

Upon project completion, Parks and Recreation will be responsible for maintaining recreational improvements to be constructed as part of the project. These recreational improvements include benches, tables, trash receptacles, pedestrian lighting systems, exercise equipment, a bicycle rack, and a decomposed granite path. The Department of Public Works (Public Works) will be responsible for maintaining the landscaping improvements.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and

Integrated Services Delivery (Goal 3). The recommended actions will help achieve these goals by enhancing the aesthetics of the street medians along Vermont Avenue thereby improving the quality of life for community residents.

### **FISCAL IMPACT/FINANCING**

The estimated construction contract cost to complete this project is in the range of \$700,000 to \$975,000. The total project cost is estimated to be \$1,471,000. In addition to the construction contract cost, the total project cost includes environmental clearance, plans and specifications, consultant services, survey, right-of-way and utility clearance, materials testing, inspection, contract administration, change order contingency, and other County services. The project cost will be partially offset by \$285,000 in Rivers and Mountains Conservancy (RMC) grant funds. Financing for this project is included in the Second Supervisorial District's Road Construction Program in the Fiscal Year 2012-13 Road Fund Budget. The Road Fund will also be reimbursed with \$85,000 of Second Supervisorial District funds in the Fiscal Year 2012-13 Public Works General Fund Budget.

The annual maintenance cost of the landscaping improvements, to be assumed by Public Works, is estimated to be \$24,000. Commencing in Fiscal Year 2012-13, sufficient appropriation will be included in the Second Supervisorial District's Annual Road Construction Program in the Road Fund Budget to finance the ongoing maintenance cost for the landscaping improvements.

Upon completion of the project, Parks and Recreation will maintain the recreational amenities. Based on the project description, Parks and Recreation's anticipated additional operating costs for maintenance of the recreational amenities include a one-time cost of \$2,000 for grounds maintenance equipment and an ongoing cost of \$41,000 for maintenance and supplies. Parks and Recreation has received sufficient appropriation for these costs from its Fiscal Year 2012-13 New Facilities Request.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

This project, to contract for the construction of median landscape improvements, is part of Public Works' ongoing program for the improvement of medians. It will be advertised in accordance with Section 20392 of the State Public Contract Code.

The State Public Contract Code Section 3400 allows a product to be designated by specific brand name for several purposes, one of which is to match other products in use on a completed public improvement, if the awarding authority makes a finding and language is included in the Invitation for Bids. The project plans and specifications designate the benches, tables, and trash receptacles be those manufactured by Columbia Cascade Company and exercise equipment be those manufactured by Greenfield Outdoor Fitness in order to match the existing benches, tables, trash receptacles and exercise equipment currently being used within the jurisdiction of the Parks and Recreation's south agency. The Notice Inviting Bids includes language describing this finding.

This project is to be completed in 105 working days. It is estimated the work will start in March 2013 and be completed in November 2013.

On September 6, 2011, Agenda Item 34, the Board accepted \$285,000 of grant funding from the RMC to fund a portion of Vermont Avenue from 88th Street to 92nd Street and authorized the Director to conduct business with RMC to carry out the grant including negotiating and executing the grant agreement and any necessary amendments as approved by County Counsel. Because the

Road Fund is not eligible to finance the maintenance of recreational improvements and amenities, Parks and Recreation will assume maintenance responsibility upon project completion. The landscaping and other roadway improvements for the project will be maintained by Public Works.

Delegating to the Director the authority to award and execute this construction contract allows an expedited contracting process in order to meet RMC grant funding deadline.

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the Los Angeles County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making a recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

On September 6, 2011, Agenda Item 34, the Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

**CONTRACTING PROCESS**

This project will be contracted on an open-competitive bid basis. The award by the Director will be made after review of the bids meeting the criteria established by the Board and the State Public Contract Code.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

When the project is completed, it will have a positive impact by enhancing the aesthetics of the medians along Vermont Avenue thereby improving the quality of life for the community residents.

**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,



GAIL FARBER  
Director



RUSS GUINEY  
Director

GF:JTS:ma

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)  
Department of Parks and Recreation